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17.2.2000

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 2ND DAY OF APRIL 1998

BEFORE

THE HON'BLE MR. JUSTICE H.N. NARAYAN

CIVIL REVISION PETITION NO.450/1998

1. Sri. Nanjundappa S/o

Nanjunda Jetty, aged
about 70 years, residing
at No.647/15 Khatha No.8,
3rd Cross, Mathikere,
Yeshwanthpur Hobli,
Bangalore North Taluk.

2. Sri. Muniya Jetty alias

Muninanjappa, S/o Nanjunda
Jetty, aged about 50 years,
residing at No.647/15
Khatha No.8, 3rd Cross,
Mathikere, Yeshwanthpur
Hobli, Bangalore North Taluk. ..PETITIONERS.

(By Sri. T.R. Narayan Rao, Adv. for Petrs.)

-Vs-

1. Sri. Kunnappa S/o Kempa

Honnaiah, Hindu, Major,
residing at Kadujakkasandra
Kaggalahalli Post,

Harohalli Hobli. Kanakapura Taluk

2. Sri. C.K. Kempa Honnaiah
S/o Kempa Honnaiah, Major,
residing at Kadujakkasandra
Kaggalahalli Post,
Harohalli Hobli,
Kanakarapura Taluk.

3. Smt. Chalamma D/o Kempa
Honnaiah, Major, residing
at Kadujakkasandra
Kaggalahalli Post,
Harohalli Hobli,
Kanakarapura Taluk.

4. Smt. Jayamma D/o Kempa
Honnaiah, Major, residing
at Kadujakkasandra
Kaggalahalli Post,
Harohalli Hobli,
Kanakarapura Taluk.

..RESPONDENTS.

* * *

Civil Revision Petition is filed U/s 115 of
CPC against the order dated 20.12.1997 passed in
Misc.No.9/1994 on the file of the Civil Judge
(Jr.Dn.) & JMFC., Kanakapura.

This Civil Revision Petition coming on for
ADMISSION this day, the Court made the following:-

ORDER

The trial Court has dismissed the petitioners' suit O.S.394/93 for not taking steps against the defendants and an application thereafter was filed under Order 9 Rule 4 and Section 151 CPC to set aside the order. The matter was enquired into by the trial Judge but, according to the trial court, the evidence of the petitioner was not convincing on the question and therefore, rejected the application.

2. On careful perusal of the impugned order and the reasons assigned therein, I am of the opinion that the trial Court has erred in rejecting the application at that stage itself.

In the result, revision is allowed. The impugned order is set aside.

Sd/-

JUDGE.

Ty by: GM

C by: *Al*

R by: *CP*

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Assistant Registrar
High Court of Karnataka
Bangalore-560 001

8/1/98



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